

**Remarks**

Claims 14-33 were pending in this application. Claims 14, 21, 24, and 25 are amended herein. New claims 34-39 have been added. The Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

**Rejection of Claims 14-33 under 35 U.S.C. § 102(b)**

Claims 14-33 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,606,921 to Elder et al. Applicants respectfully traverse this rejection. Claim 14 has been amended to more particularly point out that the outward directed recess extends to the upper surface of the pallet's deck member. Such is not disclosed in Elder. Claim 24 has been amended to show that the U-shaped cross-section of the support members is taken along a plane parallel to the upper surface of the deck member. This is not disclosed in Elder. Claim 25 includes a cutout member extending to the upper surface of the top deck, and it has been amended to include that the cutout is formed in the exterior surface of the foot member. This is not disclosed in Elder. New claim 38 is believed to be patentably distinguished over Elder. Accordingly, Applicants respectfully request that the rejection be withdrawn.

**Conclusion**

Applicants appreciate the Examiner's thorough review of the application, and respectfully requests reconsideration in view of the above amendments and remarks. Applicants believes that the claims are now in a condition for allowance, and a notice of such allowance is respectfully requested. Should the Examiner feel that a phone interview would help to expedite the allowance of this case, he is encouraged to contact the undersigned at his convenience.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

14. (Amended) A nestable pallet comprising:

a deck member having an upper surface, and a plurality of integrally formed peripheral foot portions extending downwardly therefrom and disposed about the periphery of the deck member, wherein each of the peripheral foot portions has an outwardly directed recess [and a corresponding opening in] extending to the upper surface of the deck member [, the recess] for receiving a corresponding foot portion of a like pallet disposed thereabove when in a nested orientation.

21. (Amended) The nestable pallet of claim 19, wherein the non-peripheral foot portion has [as] an inner surface and at least one upright member projecting upwardly therefrom.

24. (Amended) A nestable pallet comprising:

a deck member having an upper surface and including a plurality of downwardly extending [U-shaped] support members extending therefrom, the [U-shaped] support members defining a U-shaped cross-section taken along a plane parallel to the upper surface, the support members further defining correspondingly shaped pockets for nestably receiving the [U-shaped] support members of a similar pallet disposed thereabove.

25. (Amended) A nestable pallet comprising:

a top deck having an upper surface and a periphery, and at least one foot member extending from the periphery of the top deck, the at least one foot member having a cutout formed in its exterior surface extending to the upper surface of the top deck, wherein the cutout is arranged to receive a corresponding foot member of another pallet positioned thereabove in a nested orientation.